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UNITED STATES DEPARTMENT OF JUSTICE

Office of the United States Trustee

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Attorneys for the Acting United States Trustee

SARA L. KISTLER

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA Commercial Mortgage Company
06-10725 -- Lead Case

USA Capital Realty Advisors, LLC
06-10726

USA Capital Diversified Trust Deed Fund, LLC
06-10727

USA Capital First Trust Deed Fund, LLC
06-10728

USA Securities, LLC
06-10729 Debtors.

Jointly Administered

Chapter 11 Cases

Judge **Linda B. Riegle** Presiding

Date: N/A

Time: N/A

Affecting:

☐ All Cases

or Only:

☐ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☒ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

**NOTICE OF AMENDMENTS TO APPOINTMENT OF OFFICIAL
COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST
TRUST DEED FUND, LLC**

To the Honorable **LINDA B. RIEGLE**, United States Bankruptcy Judge:

Pursuant to 11 U.S.C. §§ 1102(a)(1) and (b) (2), the United States Trustee provides Notice of Amendments to the Appointment of Official Committee of Equity Security Holders filed in the case of In re USA Capital First Trust Deed Fund, LLC, Chapter 11 Case No. 06-10728, and states:

1 1. On May 10, 2006, the United States Trustee filed its Notice of Appointment of
2 Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC
3 [Docket No. 204].

4 2. Each of the individuals identified in the Notice of Appointment had submitted a
5 written response to a solicitation from the United States Trustee confirming that they held an
6 equity security interest in USA Capital First Trust Deed Fund, LLC, and were willing to serve as
7 a committee member.

8 3. Subsequent to the filing of the Notice of Appointment:

9 a. Committee member Jerry T. McGimsey advised the United States Trustee
10 that he had mistakenly indicated that he is an equity security holder in
11 USA Capital First Trust Deed Fund, LLC, when in fact he is an equity
12 security holder in USA Capital Diversified Trust Deed Fund, LLC; and

13 b. Committee member Richard Horowitz has informed the United States
14 Trustee of his resignation from service on the Committee.

15 4. It is necessary to amend the Notice of Appointment filed by the United States
16 Trustee on May 10, 2006 to designate appropriate replacements for Messrs. McGimsey and
17 Horowitz. Such an amendment will ensure that the Official Committee of Equity Security
18 Holders of USA Capital First Trust Deed Fund, LLC remains representative of the parties
19 holding equity security interests in USA Capital First Trust Deed Fund, LLC, in a manner
20 consistent with the provisions of 11 U.S.C. § 1102(b)(2). *See generally, In re America West*
21 *Airlines*, 142 B.R. 901 (Bankr. D. Ariz. 1992).

22 5. The Notice of Appointment filed by the United States Trustee on May 10, 2006,
23 is therefore amended as follows:

24 a. By removing Jerry T. McGimsey and Richard Horowitz from the
25 Committee membership roster; and

26 b. By adding the following individuals, who are fairly chosen, who are
27 representative of the parties holding equity security interests in USA
28 Capital First Trust Deed Fund, LLC, and are willing to serve, as
 Committee members replacing Messrs. McGimsey and Horowitz:

i. John Goings

Address: P.O. Box 174
Masonville, CO 80541
Telephone: (303) 582-1771
Telefax: (303) 582-1433
Email: jgoings@bhwk.com

ii. Joseph S. Congress

Address: 9900 Wilbur May Parkway, #802
Reno, NV 89521-4008
Telephone: (775) 851-1762
Telefax: (775) 851-1763
Email: bjcong@fdltownhomes.com

Dated: June 1, 2006

Respectfully submitted,

SARA L. KISTLER
ACTING UNITED STATES TRUSTEE
REGION 17

By: /s/ August B. Landis
August B. Landis, Assistant United States Trustee
United States Department of Justice

CERTIFICATE OF SERVICE

I, the undersigned, certify that on this date I served this Notice of Amendments to Appointment of Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC:

1. Electronically upon all counsel and parties in interest on the CM/ECF service list as of June 1, 2006; and
2. By depositing an envelope in the United States Mail, first class postage fully prepaid and addressed to each of the parties listed below, each of which contained a true and correct copy of this Notice of Amendments to Appointment of Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC:

Annette W. Jarvis
P.O. Box 45385
36 South State Street, #1400
Salt Lake City, UT 84145-0385

Nicholas J. Santoro
400 South Fourth Street, 3rd Floor
Las Vegas, NV 89101

Gregory J. Walch
400 South Fourth Street, 3rd Floor
Las Vegas, NV 89101

Peter Susi
Michaelson, Susi & Michaelson
7th West Figueroa Street, 2nd Floor
Santa Barbara, CA 93101

Dated: June 1, 2006

OFFICE OF THE UNITED STATES TRUSTEE

SARA L. KISTLER
ACTING UNITED STATES TRUSTEE
REGION 17

By: /s/ August B. Landis
August B. Landis
Assistant United States Trustee
Las Vegas, Nevada

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